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STATEMENTS BY EPA  
Prior to June 1990 to Present  
(In Chronological Order)

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I. STATEMENTS PRIOR TO 1990

1. Letter from Robert Axelrad, EPA Staff, to Matthew Jacobs, Covington & Burling. Follow-up to "recent telephone conversation." 12/29/87 [8/20/93]<sup>1</sup>
  - Refers to 10-87 meeting with Ed Dunkelberger, Rita O'Rourke, and Sorrell Schwartz. Invites the TI to submit "any and all published materials which [they] believe [EPA] should be aware of and take into consideration in the policy development process" re ETS.
2. Letter from Robert Axelrad, EPA Staff, to Robert J. Lewis, TI, with attachment. (Missing). 9/29/88 [8/20/93]
3. Letter from William G. Rosenberg, EPA Assistant Administrator, to Senator John Warner, with attachment. Response to Warner's 5/30/89 letter (meeting with TI held 6/2/89). 6/8/89 [8/20/93]
  - Indicates that the Policy Guide, Risk Assessment and Technical Compendium are in preparation and that EPA is of the position that ETS causes lung cancer and childhood respiratory symptoms. Calls ETS a carcinogen. Stresses source control with regard to IAQ.
4. Letter from William G. Rosenberg, EPA Assistant Administrator, to John P. Rupp, Covington & Burling. Response to Rupp's 6/20/89 letter. 6/30/89 [8/20/93]
  - Indicates that despite TI's position that science on ETS "remains controversial," EPA finds the reports by the Surgeon General and the National Research Council "highly credible." Acknowledges some "areas of uncertainty" re claimed health effects of ETS. Likens TI's position on ETS to industry position on active smoking; says this similarity makes the ETS position less credible. Supports use of Rosner for his communications ability. States EPA's position that, without a formal risk assessment, it is "prudent to minimize exposure as much as possible."

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1. The brackets reflect the date on which an item was added to this document. The earliest date to appear in the brackets is July 23, 1993, the date this document was created.

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## II. 1990 STATEMENTS

1. Letter from Robert Axelrad, EPA Staff, to Claussen Ely, Covington & Burling. Reply to Ely's letters of 4-19-90 and 4-23-90. 5/08/90 [7/30/93]
  - Identifies three documents on ETS currently underway at EPA: RA, PG, and TC. Indicates that RA will be submitted to SAB in "mid- to late- May," at which time a "parallel" 60-day public review process would also begin. Re the PG, indicates there will be a 60-day public review period, but only partial SAB review. TC will be provided for SAB as "background material"; more formal SAB review is still under consideration. Agrees that an accompanying statement should emphasize that (1) documents are draft, not final; (2) the RA has not been reviewed by SAB; and (3) the conclusions of the documents may change. States that PM has "alerted the news media" to the upcoming availability of the documents.
2. U.S. Environmental Protection Agency, NATO: Committee on the Challenges of Modern Society, Pilot Study on Indoor Air Quality: Managing Indoor Air Quality Risks: Report on a meeting held in St. Michaels, Maryland: October 25-27, 1989, EPA/400/7-90/005, June 1990 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
3. U.S. Environmental Protection Agency, Atmospheric Research and Exposure Assessment Laboratory, Project Summary: Compendium of Methods for the Determination of Air Pollutants in Indoor Air, EPA/600/S4-90/010, May 1990 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
4. 1990 DRAFT RISK ASSESSMENT: U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Office of Research and Development, Health Effects of Passive Smoking: Assessment of Lung Cancer in Adults and Respiratory Disorders in Children, SAB Review Draft, EPA/600/6-90/006A, June, 1990 [7/23/93]
  - Concludes that ETS should be classified as a Group A "known human" carcinogen.
5. U.S. Environmental Protection Agency, Internal Memorandum from William G. Rosenberg, Assistant Administrator, to Donald G. Barnes, Director of the Science Advisory Board, Transmitting External Review Draft of Environmental Tobacco

Smoke: A Guide to Workplace Smoking Policies, June 25, 1990  
[7/23/93]

- Requests that the SAB review the document.
6. U.S. Environmental Protection Agency, Indoor Air Division, Office of Atmospheric and Indoor Air Programs, Office of Air and Radiation, Environmental Tobacco Smoke: A Guide to Workplace Smoking Policies, EPA/400/6-90/004, June 25, 1990. Public Review Draft [7/23/93]
  7. U.S. Environmental Protection Agency, Office of Air and Radiation, Indoor Air Facts No. 3: Ventilation and Air Quality in Offices, ANR-445, July 1990 [7/23/93]
    - Contained in the EPA's OSHA RFI submission.
  8. Letter from William K. Reilly to Thomas J. Bliley, Jr. Follow-up to Bliley's letters of 05-17-90 and 06-06-90. 7/18/90 [7/23/93]
    - Indicates that EPA initiated public review of risk assessment and policy guide on 06-25-90; technical compendium not yet available for review; states that Glantz and Parmley paper does not represent EPA position. [Refers to "subsequent telephone discussion" after 05-17-90 and 06-06-90 letters.]
  9. Letter from Robert Axelrad to Samuel D. Chilcote, Jr. Response to Chilcote's 07-23-90 letter. 8/17/90 [7/30/93]
    - States that EPA has decided to extend the public comment period on the RA and PG for 30 days, until 10-01-90.
  10. U.S. Environmental Protection Agency, Science Advisory Board, Reducing Risk: Setting Priorities and Strategies for Environmental Protection, SAB-EC-90-021, September, 1990 [7/23/93]
  11. U.S. Environmental Protection Agency, Science Advisory Board, The Report of the Human Health Subcommittee: Relative Risk Reduction Project, EPA SAB-EC-90-021B, September, 1990 [7/23/93]
  12. Gerald H. Yamada, EPA Principal Deputy General Counsel, to Robert T. Herbolzheimer, Manatt, Phelps, Rothenberg & Phillips. Response to 06-25-90 letter from Herbolzheimer, following up on 06-25-90 meeting. 9/11/90 [7/23/93]

- Responds to questions concerning communications with EPA staff, how the SAB's comments will be used in developing the ETS documents, whether public comments will be considered by EPA, and how EPA plans to use the RA.
13. Erich W. Bretthauer to Steven C. Parrish, 1 p.; response to Parrish's 07-25-90 letter. (Letter appears to be draft.) 9/14/90 (?) [7/30/93]
- Indicates that a workshop will not be held on ETS, as expert workshops are held as the Agency's "first comprehensive look at a body of data." Given the Surgeon General's and National Research Council's reports on ETS, EPA work, limited peer review, public comment and SAB review would be sufficient.
14. Donald G. Barnes to Samuel D. Chilcote, Jr., 2 pp., response to Chilcote's 08-10-90 letter to Reilly. 9/18/90 [7/23/93]
- States that it is "inappropriate" to comment on Burns; indicates that SAB committees (including ETS panel) are directed by FACA.
15. William K. Reilly to Thomas J. Bliley, Jr., 3 pp., response to Bliley's 09-18-90 letter to Reilly. 10/11/90 [7/23/93]
- Discusses selection of SAB review group. Indicates that individuals from "'ends of the spectrum'" would be "balanced by . . . an individual who could represent the opposing point of view."
16. Donald Barnes to Thomas J. Bliley. Missing. Referenced in 04-29-91 Reilly to Chilcote letter. 10/11/90 [7/23/93]
17. Robert Axelrad to Steven C. Parrish, 2 pp.; response to Parrish's 10-01-90 letters to Axelrad and Bayard. 10/12/90 [7/30/93]
- States that a public workshop "would not serve to further illuminate the appropriate path to take in addressing this issue."
18. "Impartial Panel for Smoking Study Proves Hard to Find," Los Angeles Times 11/24/90 [7/30/93]
- "Lippmann said his advisory role for the center [CIAR] causes no more bias on smoking than his far more active consulting work for the government, including the EPA, which is hoping for a favorable review from the panel."

- "'It's not that I'm a tool of industry,' said Lippmann, professor of environmental medicine at New York University Medical Center. 'I'm a bigger tool of government. I've been working for the EPA longer. I have more to lose by offending EPA than industry.'"
19. Donald G. Barnes to Thomas J. Bliley, Jr., 7 pp., response to Bliley's 11-01-90 letter to Reilly. 11/26/90 [7/23/93]
- Lists materials sent in response to Bliley's 11-01-90 request for documents. [Materials attached to this letter are missing.]
20. William Reilly to Thomas J. Bliley, Jr., 4 pp.; response to Bliley's 11-01-90 letter. 12/04/90 [7/30/93]
- Discusses selection process for SAB panel to review ETS documents. Indicates that first request for SAB review was made "over a year ago." Describes choice of IAQC committee and augmentation of committee's expertise with "consultants." Agency staff, SAB members, National Academy of Sciences personnel, and outside groups usually provide names. Suggestions are evaluated and final decisions made. Indicates that ETS panel was formally appointed in November 1990.
21. Transcripts from the hearings of the U.S. Environmental Protection Agency, Science Advisory Board, Indoor Air Quality and Total Human Exposure Committee, Environmental Tobacco Smoke Review, December 4-5, 1990 [7/23/93]
- Morton Lippmann: "If you think we don't need more research, you will find out we will be acknowledging a lot of knowledge gaps as we review these documents."
- "Obviously, a risk assessment requires both an exposure assessment as well as a hazard identification and the weak link in most of them is the exposure assessment."
- "It's probably improper to conclude that you have established the risk."
- Steven Bayard: "Since we tried to get a dose response by going from mainstream . . . and we were unsuccessful . . . we've decided that if we couldn't get the dose response based on the extrapolation from mainstream to environmental tobacco smoke then we -- it was incumbent on us to present other methods."

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22. A Brief Summary of the Public Comments Submitted to the U.S. EPA in Response to the External Review Draft EPA/600/6-90/006A, Health Effects of Passive Smoking: Lung Cancer in Adults and Respiratory Disorders in Children, Science Advisory Board Meeting, December 4 and 5, 1990. (by Kenneth Brown) [7/23/93]
23. "Passive Smoke a Cause of Cancer, Panel Concludes," The Washington Post 12/6/90 [7/30/93]
- "Lippmann emphasized that the panel's judgment was tentative, based on its initial review of an EPA study that he said was 'not fully developed.' He called for further refinement of the data, saying EPA 'should be able to make that case.'"
  - "'This is a classic case where the evidence is not all that strong. Any study can be found to have flaws,' Lippmann said."
24. "Panel Backs EPA's Plan on 'Secondhand' Smoke," The Wall Street Journal 12/6/90 [7/30/93]
- "'It seemed to me that there is a consensus . . . that would make the case for a class A carcinogen,' said Mr. Lippmann."

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### III. 1991 STATEMENTS

1. U.S. Environmental Protection Agency, Office of Air and Radiation, Indoor Air Pollution: The Primary-Care Physician's Guide to Signs and Symptoms, Sources and Solutions, EPA/400/1-91/008 [7/23/93]
2. U.S. Environmental Protection Agency, Office of Research and Development, Indoor Air Assessment: Indoor Concentrations of Environmental Carcinogens, EPA/600/8-90/042, January 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
3. U.S. Environmental Protection Agency, Public Health Foundation, Directory of State Indoor Air Contacts, EPA/400/1-91/014, February 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
4. William K. Reilly to Thomas J. Bliley, Jr., 2 pp., response to Bliley's 11-23-90 letter. 2/20/91 [7/23/973]
  - Endorses current composition of SAB panel.
5. Eileen Claussen, Director, EPA Office of Atmospheric and Indoor Air Programs, to Thomas J. Bliley, Jr., 1 pp., response to Bliley's 01-30-91 letter to Reilly. 2/27/91 [7/23/93]
  - Suggests policy guide will incorporate conclusions of risk assessment and both will be released simultaneously (summer of 1991).
6. U.S. Environmental Protection Agency, Office of Research and Development, Indoor Air Assessment: A Review of Indoor Air Quality Risk Characterization Studies, EPA/600/8-90/044, March 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
7. U.S. Environmental Protection Agency, Office of Research and Development, Indoor Air Assessment: An Inventory of Indoor Air Quality Research in the United States: 1989-1990, EPA/600/8-90/080F, March 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
8. "Science Panel Backs Finding That Secondhand Smoke Causes Cancer," The Associated Press 4/19/91 [7/30/93]



- "'We're not saying the risk is enormous. We're saying there is a risk,' said Morton Lippmann of New York University, chairman of the panel that examined the EPA proposal."
9. "Second-hand Smoke Poses Cancer Risk, Panel Finds," United Press International 4/19/91 [7/30/93]
    - "'Occasional, light exposure is not likely to cause any harm,' said Dr. Morton Lippmann, a specialist in the health effects of toxic air pollution at New York University."
    - "'We're not saying the risk is enormous,' Lippmann said. 'We're saying there is a believable risk.'"
  10. "EPA Panel Reports Non-smokers at Risk," The Washington Times 4/19/91 [7/30/93]
    - "'We are not breaking new ground,' [Lippmann] told reporters yesterday. The possibility of cancer from second-hand smoke is 'a small added risk, probably much less than you took to get here through Washington traffic.'"
    - "'But you can choose that risk. You can't always make the choice about environmental tobacco smoke,' he said. 'We have been persuaded by the data that the 1986 surgeon general's report is correct.'"
  11. U.S. Environmental Protection Agency, Technical Compendium on ETS. May 1991 DRAFT [7/23/93]
  12. SHB memorandum attaching an overview of the remarks of Robert Axelrad, Director of the Indoor Air Division of the EPA, made on March 15, 1991, in Washington, D.C. Axelrad's presentation was made at the IAQ conference titled "Indoor Air Quality: Solutions for the '90s." [7/23/93]
  13. Statement of F. Henry Habicht, II, Deputy Administrator of the United States Environmental Protection Agency, Before the Subcommittee on Health and Environment, Committee on Energy and Commerce, United States House of Representatives, April 10, 1991 [7/23/93]
    - Contained in the EPA's OSHA RFI submission.
  14. U.S. Environmental Protection Agency, Office of Air and Radiation, United States Consumer Products Safety Commission, American Lung Association, What You Should Know About

Combustion Appliances and Indoor Air Pollution, U.S. Government Printing Office 1302/40790, 1991 [7/23/93]

- Contained in the EPA's OSHA RFI submission.
- 15. U.S. Environmental Protection Agency, Office of Air and Radiation, Research and Development, Indoor Air Facts No. 4: Sick Building Syndrome, ANR-445-W, April 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
- 16. William K. Reilly to Samuel D. Chilcote, Jr., 2 pp. [Six attachments not found with letter; some available elsewhere, some missing]; response to Chilcote's 12-04-90 letter. 4/29/91 [7/23/93]
  - Indicates that TC is separate from RA and PG and that there are no plans for review of TC. Also states that SAB review "served the Agency well." Indicates SAB written report is expected in May 1991.
- 17. U.S. Environmental Protection Agency, Indoor Air Division, Office of Atmospheric and Indoor Air Programs, Draft Guidance Document, Designing for Good Indoor Air Quality: An Introduction for Design Professionals, May 10, 1991 [7/23/93]
- 18. U.S. Environmental Protection Agency, Administration and Resources Management, Indoor Air Quality and Work Environment Study: Multivariate Statistical Analysis of Health, Comfort and Odor Perceptions As Related to Personal and Workplace Characteristics, Volume 4, (PM-273), 21M-3004, June 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
- 19. William K. Reilly to Thomas J. Bliley, Jr., 2 pp. with 22 pp. attachment, response to Bliley's 05-09-91 letter to Reilly. 6/19/91 [7/23/93]
  - Gives background on development of TC; indicates TC is on "separate track," and does not represent EPA views. Indicates that Wu-Williams study will be included in revised RA. Describes planned modifications to meta-analysis for revised RA. States that classification of ETS does not demonstrate "an inconsistent or incomplete application of the Guidelines." Indicates that EPA felt that existing reviews provided sufficient analysis of ETS exposure data. Supports EPA's dose-response analysis. Calls workplace data "difficult to interpret because of confounding exposures to other hazardous chemicals."

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Discusses "weight-of-the-evidence," confounders, and SAB recommendations. Indicates that some responses will be provided under separate cover.

20. U.S. Environmental Protection Agency, Indoor Air Division, Project Descriptions FY 1991, July 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
21. U.S. Environmental Protection Agency, United States Public Health Service, National Environmental Health Association, Introduction to Indoor Air Quality: A Self-Paced Learning Module, EPA/400/3-91/002, July 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
22. U.S. Environmental Protection Agency, United States Public Health Service, National Environmental Health Association, Introduction to Indoor Air Quality: A Reference Manual, EPA/400/3-91/003, July 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
23. William J. Blot to Thomas J. Bliley, Jr., 7 pp. with 3 pp. attachment, reply to Bliley's 05-29-91 letter. 7/15/91 (?) [7/23/93]
  - Indicates that Blot "had not thought of the [Wu-Williams] study as a passive smoking study." Supports inclusion of Hirayama study. States that heating and cooking fumes limit the ability of the Wu-Williams study to "evaluate ETS as a risk factor." Proposes that "it is not surprising" for nonsmoking women married to smokers to have an increased risk of lung cancer. Acknowledges difficulties with evaluating weak associations. Calls ETS "a documented exposure to a known carcinogen." Attachment is Blot's written comments provided to A. Robert Flaak on 12-03-90 for the SAB panel meeting.
24. William K. Reilly to Thomas J. Bliley, 1 p. with 7 pp. attachment, follow-up to 06-19-91 response to 05-01-91 letter. 10/25/91 [7/23/93]
  - Provides information about EPA's meta-analyses for revised RA in table form; also provides table about Group A carcinogens, and discusses composition of SAB panel.
25. Strategy Paper for Promoting the Distribution and Use of the EPA/NIOSH Guidance Document titled "Preventing and Resolving

Indoor Air Quality Problems: Guidance for Building Owners and Facility Managers." July 10, 1991 [7/23/93]

26. U.S. Environmental Protection Agency, Information Kit re: Building Air Quality: A Guide for Building Owners and Facility Managers [7/23/93]
  - Contained in the EPA's OSHA RFI submission.
  - Contents include: 1) Note to Correspondents; 2) Building Air Quality -- Highlights; 3) Sample Print Ads; 4) Promotional Flyer; 5) Fact Sheet #1: EPA and Indoor Air Quality (Revised 1991); and 6) List of EPA Indoor Air Division Publications.
27. U.S. Environmental Protection Agency and United States Department of Health and Human Services, Building Air Quality: A Guide for Building Owners and Facility Managers, December 1991 [7/23/93]
28. Steven Bayard to Jeffrey L. Schlagenhauf, aide to Congressman Bliley, 2 pp., with enclosures [not found]; follow-up to meeting and phone request. 12/06/91 [7/30/93]
  - Provides information re ETS-radon report, relative risk calculation, and smoker misclassification adjustment.
29. U.S. Environmental Protection Agency, Note to Correspondents from Bob Axelrad and Philip Bierbaum, Announcing the availability of the EPA document titled, "Building Air Quality: A Guide for Building Owners and Facility Managers." December 18, 1991 [7/23/93]
30. U.S. Environmental Protection Agency, Office of Air and Radiation, Indoor Air Facts No. 1: EPA and Indoor Air Quality, ANR-445-W, December 1991 [7/23/93]
  - Contained in the EPA's OSHA RFI submission.

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#### IV. 1992 STATEMENTS

1. U.S. Environmental Protection Agency, Safeguarding the Future: Credible Science, Credible Decisions, EPA/600/9-91/050, March 1992 [7/23/93]
2. Statement of William K. Reilly, Administrator, United States Environmental Protection Agency, Before the Committee on Science, Space and Technology, House of Representatives, March 19, 1992 [7/23/93]
  - Reilly testifies regarding the use of science at the EPA and strategies for setting priorities. He also discusses the Expert Panel's findings on the role of science at EPA.
3. Testimony, Committee on Science, Space and Technology, March 19, 1992. Bernard Goldstein, member of the Expert Panel at EPA [7/23/93]
  - Goldstein discusses the Research and Development program at the U.S.E.P.A.
4. Statement of Erich Bretthauer, Assistant Administrator, Office of Research and Development, United States Environmental Protection Agency, Before the Subcommittee on Environment, Committee on Science, Space and Technology, House of Representatives, March 19, 1992 [7/23/93]
  - Testimony of Bretthauer on the report of the Expert Panel on the Role of Science at EPA.
5. Article from Inside EPA, March 20, 1992, which discusses the report of the Expert Panel entitled "Safeguarding the Future: Credible Science, Credible Decisions." [7/23/93]
6. William K. Reilly to Thomas J. Bliley, 1 pp. with 10 pp. attachment, reply to Bliley's 11-25-91 letter [missing]. 3/24/92 [7/23/93]
  - Addresses questions on contracting issues (re ICF, Inc. and Smoking Policy Institute), particularly re PG. Indicates that EPA and OSHA staff met to discuss the "process which EPA planned to follow for completing the documents, and to discuss OSHA activities in the area." Finds no conflict of interest in having SPI prepare the PG. States that a formal risk assessment is not necessary before non-regulatory recommendations are made. States that SAB's reference to limitations in the Guidelines does not "represent a conscious decision on the part of

the panel or the EPA staff to achieve a particular outcome."

7. Conference materials from the "Future Directions for Indoor Air Quality" EPA conference held on March 25, 1992 in Australia [7/23/93]
  - Includes presentation of Michael Pitcher, Principal Consultant, Indoor Air Quality Project, EPA titled "Framework and Context for Dealing with Indoor Air Quality."
  - Presentation by Dr. Malcolm Sim on the "Health Effects of Indoor Air" includes a handout titled "Established and Potential Health Effects of Involuntary Exposure to Tobacco Smoke."
8. 1992 DRAFT RISK ASSESSMENT: U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Office of Research and Development, Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders, SAB Review Draft, EPA/500/6-90/006B, May, 1992 [7/23/93]
  - Concludes that ETS should be classified a Group A "known human" carcinogen
9. Transcript of CBS Evening News, May 12, 1992 (6:30-7:00pm ET) re: EPA Risk Assessment on ETS. Morton Lippmann participated in the discussion [7/23/93]
10. Erich Bretthauer, Assistant Administrator, EPA, to Thomas J. Bliley, Jr. Missing. Referenced in attachment to Reilly's 07-31-92 letter to Bliley. 6/12/92 [7/23/93]
11. William K. Reilly to Thomas J. Bliley, 1 pp., response to Bliley's 06-15-92 letter [missing] to Reilly. 7/7/92 [7/23/93]
  - Supports SAB review process, with public comments, for revised ETS RA. Indicates that PG will not be released until RA is finalized.
12. Testimony of William K. Reilly, Hearing of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce. Subject: The Collapse of Contract Management at the U.S. Environmental Protection Agency. July 9, 1992 [7/23/93]
  - Extensive dialogue between Bliley and Reilly regarding Robert Axelrad's contact with Robert Russner of the

Smoking Policy Institute re: preparation the Workplace Smoking Policy Guide.

13. Summary Highlights of the Transcript of the SAB Hearing on the EPA Revised Draft Risk Assessment on ETS, July 21-22, 1992 [7/23/93]
  - This memorandum contains selected excerpts from the SAB Hearing transcript. Remarks of interest including concessions, new arguments, and issues of uncertainty regarding the ETS/Science issue, as expressed by the SAB Committee members.
14. Transcripts from the hearings of the United States Environmental Protection Agency, Science Advisory Board, Indoor Air Quality and Total Human Exposure Committee, In the matter of: Environmental Tobacco Smoke Review Panel. Tuesday, July 21, 1992 and Wednesday, July 22, 1992 [7/23/93]
  - William Farland: "Another fairly unique situation with regard to environmental risk assessments is we've taken the opportunity to use some new techniques, meta-analysis for lung cancer that we think will be important to us in terms of combining information from various studies as we do risk assessments in the future."

"[T]hese are all features of this particular assessment that we think are going to have a great impact on the way that we do future assessments in the Agency."

"[T]he Agency will take all the comments that have come into the Science Advisory Board for this particular session, and will address them, along with other comments that have come to us, as we put the final documents together."
15. William K. Reilly to John D. Dingell, 1 p. plus Reilly's 07-31-92 letter to Bliley (and 19 pp. attachment) as an attachment; response to Dingell's 04-15-92 letter. 7/31/92 [7/30/93]
  - See entry for Reilly's 07-31-92 letter to Bliley.
16. William K. Reilly to John D. Dingell, 1 pp. plus Reilly's 07-31-92 letter to Bliley (and 19 pp. attachment) as an attachment, response to Dingell's 04-15-92 letter. 7/31/92 [7/23/93]

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17. William K. Reilly to Thomas J. Bliley, Jr., 2 pp. plus 19 pp. attachment, response to Bliley's 04-02-92 letter to Reilly. Some enclosed material (Enclosures A-1 and B through G) are missing. 7/31/92 [7/23/93]
- Refers to Safeguarding the Future; acknowledges that development of PG before RA gave appearance of "policy leading science." Notes that Reilly has requested Inspector General to investigate contract issues. In attachment, indicates that proposed sole-source contracts will be "vigorously" challenged. States that SPI is not involved in development of actual EPA policy. States that SAB's conclusion that ETS should be classified as a Group A carcinogen "does not appear tentative or provisional." Suggests that revised RA would include analysis of workplace data. Acknowledges that ventilation can reduce ETS exposures, but states that smoking prohibitions are often a less costly alternative.
18. "Bad news on Second-hand Smoke," Science 257: 607, 7/31/92 [7/30/93]
- "To fashion that indictment, admits Jennifer Jinot, an EPA health scientist who wrote part of the draft, she and her colleagues engaged in some fancy statistical footwork. In their evaluation, she says, they ended up using 'total weight of evidence.'"
19. U.S. Environmental Protection Agency, Pamphlet titled The Indoor Air Quality Information Clearinghouse (IAQ INFO), 430-F-92-003, August 1992 [7/23/93]
- Provides details on an 800 number established by the EPA to answer inquiries regarding IAQ.
20. Article from Indoor Air Review, August 1992, which discusses the SAB's endorsement of the EPA's classification of ETS as a Group A carcinogen [7/23/93]
21. U.S. Environmental Protection Agency, Course Roster for the EPA training, Training in Indoor Environments: MidAtlantic Environmental Hygiene Resource Center, Summer and Fall 1992 [7/23/93]
22. U.S. Environmental Protection Agency, Office of Air and Radiation, Targeting Indoor Air Pollution: EPA's Approach and Progress, EPA/400-R-92-012, September, 1992 [7/23/93]
23. U.S. Environmental Protection Agency, Letter from Dr. Raymond C. Loehr, Chair of the Science Advisory Board, and Morton



Lippmann, Chair of the Indoor Air Quality and Total Human Exposure Committee, Attaching the SAB report entitled "An SAB Report: Review of Draft Passive Smoking Health Effects Document." Letter is dated November 20, 1992 [7/23/93]

- States that the SAB committee was "unanimous in endorsing this classification" of ETS as a Group A carcinogen.
24. U.S. Environmental Protection Agency, Science Advisory Board, An SAB Report: Review of Draft Passive Smoking Health Effects Document, EPA/SAB/IAQC-93-003, November, 1992 [7/23/93]
25. Report from the Tobacco Institute regarding the American Industrial Health Council's symposium titled "Shaping the Science Agenda for Risk Decisions," held December 1, 1992 in Washington, D.C. [7/30/93]
- William Farland discussed the domestic agenda for risk assessment, including the differences between U.S. policy and international policy.
26. U.S. Environmental Protection Agency, Internal Memorandum from Steven Bayard to Erich Bretthauer, Assistant Administrator for Research and Development re: a letter on the ETS risk assessment from Mr. Jim Tozzi of Multinational Business Services, Inc., dated December 4, 1992 [7/23/93]
- Refutes Tozzi's claim that inclusion of the Brownson and Stockwell data would change the results of the EPA's meta-analysis.
  - Claims that Tozzi did not correct for "background" exposure in his meta-analysis of the 13 U.S. spousal smoking studies, and that if he had done so, his risk estimate for ETS would have been statistically significant, even with inclusion of the Brownson and Stockwell data.
27. Agenda from "Society for Risk Analysis Workshop: Issues in Carcinogen Risk Assessment Guidelines," December 4, 1992 [7/30/93]
- William Farland was a sponsor.
  - Donald Barnes participated in a discussion of "Incorporation of Biological Information."
28. Erich W. Bretthauer to Jim J. Tozzi, 1 p. plus 11 pp. attachment by Steven Bayard, response to Tozzi's 12-04-92 letter. 12/17/92 [7/23/93]

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- Bayard's attachment states that EPA finds the Brownson and Stockwell studies to be supportive of the RA's conclusions and presents a statistically significant (at 90%) risk estimate, generated by an EPA meta-analysis.

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V. 1993 STATEMENTS

1. Transcripts of the EPA Constituency Briefing Held on January 6, 1993 [7/23/93]
2. "EPA Declares 'Passive' Smoke a Human Carcinogen," Wall Street Journal 1/6/93 [7/30/93]
  - "In the interview, Mr. Reilly said that an EPA decision to declare passive smoke an environmental health risk could substantially increase the legal liability of businesses. 'If you were running a bar or an airline or a body shop or whatever,' he said, 'and you saw your people smoking, or you allowed customers to smoke, you'd be opening yourself up 10 years, 15 years later to lawsuits. And people would be able to say you knew you were exposing us to cancer. There wasn't any doubt about the issue. The government has spoken on the question.'"
  - "In the interview last month, Mr. Reilly said EPA had put together an 'office policy guide' on how to create a smoke-free office environment, but he had decided not to release it because it would 'look like we're trying to torque the science, and I think the science will be compelling enough. . . . He also said that 'I don't think you'll even need OSHA' to follow through on the EPA report for it to have an impact. 'I think really the liability question will drive it.'"
3. FINAL RISK ASSESSMENT: U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Office of Research and Development, Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders, EPA/600/6-90/006F, January 7, 1993 [7/23/93]
  - Classifies ETS as a Group A "known human" carcinogen.
4. Press Reports reflecting EPA statements regarding the release of the final ETS Risk Assessment [7/23/93]
5. "EPA Report Sparks Antismoking Plans," Wall Street Journal 1/7/93 [7/30/93]
  - "That's the kind of legally driven reaction that EPA Administrator William Reilly has said he's seeking to encourage. The lawsuit route is particularly appealing to him because the EPA has no regulatory power over workplace smoking rules and has to rely on a separate federal agency, the Occupational Safety and Health Administration, to develop tighter regulations."

6. "EPA Calls Cigarette Smoke Serious Public Health Threat to Nonsmokers," The Associated Press 1/7/93 [7/30/93]
  - "'I can tell you categorically that there was no industry pressure that I knew of [to stop EPA indoor air research on cigarette smoke],' " said Erich Bretthauer, assistant administrator for research and development."
7. Statement by William K. Reilly, Administrator, United States Environmental Protection Agency, Press Conference on the release of the final EPA Risk Assessment on ETS, January 7, 1993 [7/23/93]
8. Statement by Louis W. Sullivan, Secretary of the Department of Health and Human Services, Press Conference on release of the final EPA Risk Assessment on ETS, January 7, 1993 [7/23/93]
9. Transcripts of the Press Conference on the release of the final EPA Risk Assessment on ETS, January 7, 1993. Administrator William K. Reilly and Secretary Sullivan's presentations are included [7/23/93]
10. Federal Information Systems Corporation, Federal News Service, Commerce and Trade Speeches or Conferences, January 7, 1993, Transcripts from the EPA Press Conference re: the release of previously undisclosed figures on the health risks of second hand tobacco smoke and the unveiling of a public service video and education campaign [7/23/93]
  - William K. Reilly: "The effort that went into this report has been painstaking and very thorough. The report stands as an example of EPA's commitment to public involvement and its commitment to good science. I am very proud of the rigorous analysis and close attention to detail that went into it."
  - "With this report we have laid a firm foundation upon which policy can now be built. While EPA has no regulatory authority over environmental tobacco smoke, we will be working with the Occupational Safety and Health Administration, which can regulate smoke in the workplace."
  - "I think that the choice to smoke is one that an informed adult, and certainly there is a great deal of information

to which we're adding more today, can reasonably and responsibly make. We choose to do a number of things in our lives that involve risks. We choose to ride motorcycles or scuba dive or ski or jump out of airplanes."

"First of all, the [Brownson] study was just completed in November of this last year. This was well beyond the date at which studies could be taken into account and fully researched and reviewed and analyzed for purposes of this report."

"With respect to the confidence interval, we have here a 90 percent confidence interval. And that was in fact what was recommended to us by the scientific community as appropriate to this data."

"We did not choose to communicate a policy guide today, which at one point we had considered doing, precisely because it seems to me the science should come first."

11. U.S. Environmental Protection Agency, Office of Research and Development, Office of Air and Radiation, Respiratory Health Effects of Passive Smoking: Fact Sheet, RD-689, 6203 J. January 1993 [7/23/93]
  - "In cooperation with other government agencies, EPA will carry out an education and outreach program over the next two years to inform the public and policy makers on what to do to reduce the health risks of ETS as well as other indoor air pollutants."
12. Richard L. Hembra, Director, Environmental Protection Issues, GAO, to John D. Dingell, 6 pp. Response to Dingell's request that GAO review public release of RA, PG, and TC. 2/8/93 [7/23/93]
  - Concludes that release of RA and PG was not premature, but that TC was prematurely released to an Associated Press reporter prior to completion of EPA review.
13. Conference materials from "1993 Annual Winter Toxicology Forum" held in Washington, D.C., on February 15-17, 1993 [7/30/93]
  - William Farland spoke regarding the "Impact of NTP Changes and Federal Harmonization Efforts on EPA's Risk Assessment."

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14. John C. Martin, Office of EPA Inspector General, to Thomas J. Bliley, Jr., 6 pp., response to Bliley's request of 09-08-92 to Inspector General of EPA. 3/3/93 [7/23/93]
  - Reports on review of subcontract by ICF, Inc. to Smoking Policy Institute. Indicates that an EPA program official [Axelrad ?] made inappropriate contacts with ICF regarding the Smoking Policy Institute. Finds that EPA did not improperly contract for PG by so doing before RA was complete. Also discusses conflict of interest issues and ICF subcontracting procedures.
15. Gary J. Foley, EPA Acting Assistant Administrator for Research and Development, to Thomas J. Bliley, Jr., response to Bliley's 12-22-92 letter to Reilly, 1 p. plus 6 pp. attachment. Exhibits A through D missing. 3/4/93 [7/23/93]
  - Responds to Bliley's questions about reasons for using a contractor on the RA, nature of process for awarding contracts, information about contracts with ICF, and possibility that EPA's contracting procedures violated Federal Acquisition Regulations.
16. Testimony of Carol M. Browner, Administrator, United States Environmental Protection Agency, Before the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, United States House of Representatives, March 10, 1993 [7/23/93]
  - Browner addresses contract management issues facing the EPA. She discusses her plans for "undertaking a comprehensive set of solutions for the serious problems in this area."
17. Article from BNA Toxics Law Daily, March 11, 1993 which states that EPA officials expect to issue the Workplace Smoking Policy Guide in mid-1993 [7/23/93]
18. Brochure from "Indoor Air Pollution: Risks and Prevention Strategies for the 90's" held in Sacramento, California, March 22-23, 1993 [7/30/93]
  - California EPA
  - Lance Wallace participated in a round-table discussion regarding "Prevention Strategies for the 90's: Actions We Should Take Now."
19. Conference materials from "The Risk Assessment Paradigm After Ten Years: Policy and Practice Then, Now, and in the Future"

held at the Wright-Patterson Air Force Base in Dayton, Ohio, on April 5-8, 1993 [7/30/93]

- Steve Bayard summarized the EPA risk assessment on ETS.
- 20. Conference materials from "Indoor Environment '93" which was held in Baltimore, Maryland, on April 21-23, 1993 [7/30/93]
  - Robert Axelrad spoke regarding "Indoor Air Quality: Outlook on Federal Action."
  - Steve Bayard was scheduled to be moderator of a session entitled "ETS: Recent Health Effects Research."
- 21. Materials from SAI regarding "Controlling Inhalation Hazards in the Workplace," April 29, 1993 in New York City, NY [7/30/93]
  - Morton Lippmann presentation on "EPA's Risk Assessment" (ETS).
- 22. Materials from "Scientific Integrity in the Public Policy Process" held in Washington, D.C. on May 24-25, 1993 [7/30/93]
  - Donald Barnes participated.
- 23. Presentation materials, Steven Bayard and Jennifer Jinot, United States Environmental Protection Agency, EPA's Report on the Respiratory Health Effects of Passive Smoking: Before the 23rd International Symposium on Environmental Analytical Chemistry, Jekyll Island, Georgia. June 15, 1993 [7/23/93]
- 24. Brochure from "Indoor Air Quality Congress '93" held in Boston, Massachusetts, June 15-16, 1993 [7/30/93]
  - MaryBeth Smuts, USEPA, spoke regarding "The EPA Approach to IAQ Issues."
- 25. 1993 Summer Meeting of the Toxicology Forum in Aspen, Colorado. July 12-16, 1993. Presentations by Jan A. Stolwijk ("EPA Science Advisory Board Experience") of the Science Advisory Board and Jennifer Jinot, co-author of the EPA Risk Assessment on ETS ("The EPA Position"). SHB coverage and memorandum by Gary Williams [7/23/93]
  - Stolwijk stated that it was not possible to follow the EPA Guidelines for making a Group A classification of ETS because the Guidelines assume that a single substance is being evaluated (as opposed to a complex mixture).

- Stolwijk claimed that the SAB strongly advised against calculating a "body count" but that EPA insisted on including this in the final report.
  - Dr. Jinot said that three studies have appeared since the literature "cutoff date" for the EPA report, and these studies are consistent with the others.
  - Jinot stated that even in 95% confidence intervals were used, it would not have affected the "weight of the evidence."
  - Jinot stated that "If you don't like the meta-analysis, throw it out and the conclusions are still the same."
26. Materials from Helmut Reif of Philip Morris - Science and Technology - on the Summer Toxicology Forum in Aspen, Colorado on July 12-16, 1993 [7/30/93]
    - Presentations by Stolwijk and Jinot.
  27. Materials from Chris Coggins regarding the Summer Toxicology Forum in Aspen, Colorado on July 12-16, 1993 [7/30/93]
    - Presentations by Stolwijk and Jinot.
  28. Materials from Holcomb Environmental Services regarding the Summer Toxicology Forum in Aspen, Colorado on July 12-16, 1993 [8/20/93]
    - Presentations by Stolwijk and Jinot.
  29. Pleadings, Flue-Cured Tobacco Cooperative Stabilization Corporation, et al. vs United States Environmental Protection Agency, et al., No. 6:93CV370 (U.S. District Court, Middle District, North Carolina) [7/23/93]
    - Motion to Dismiss, July 20, 1993
  30. Press Reports regarding the EPA's Motion to Dismiss [7/30/93]
    - The Reuter Business Report, July 21, 1993
  31. Press Reports reflecting the official EPA statement by Carol Browner regarding the filing of the EPA lawsuit on June 22, 1993 [7/23/93]
    - "The agency's view is that secondhand tobacco smoke can cause cancer. This assessment has been based on



scientific evidence that has been thoroughly peer-reviewed and we stand by it."

- Charlotte Observer, July 3, 1993
  - Business Week, July 5, 1993.
  - Miami Herald, June 23, 1993.
  - Philadelphia Inquirer, June 23, 1993.
  - The Washington Post, June 23, 1993.
  - Star Tribune, June 23, 1993.
  - Reuters, Ltd., June 22, 1993.
  - Cable News Network, Inc., June 22, 1993.
  - Reuter Business Report, June 22, 1993.
  - ABC News, World News Tonight, June 22, 1993.
  - The Washington Times, June 23, 1993.
  - The Washington Post, June 23, 1993.
  - Star Tribune, June 23, 1993.
  - American Political Network, Inc., June 23, 1993.
  - The Boston Globe, June 23, 1993.
  - Burrelle's Broadcast Database, June 22-24, 1993.
  - Miami Herald, June 27, 1993
32. Media report indicating that Browner has further intentions to make recommendations to restrict smoking in the workplace [7/30/93]
- Reuters, Limited, June 23, 1993.
33. Media report reflecting a quotation by Browner regarding the EPA lawsuit [7/30/93]
- McClatchy Newspapers, Inc. June 23, 1993.
34. Media report reflecting reaction of Jonathon Samet to the filing of the EPA lawsuit [7/30/93]

- NBC Today Show Interview, June 23, 1993.
- 35. Media reports reflecting statements of John Kasper regarding the filing of the EPA lawsuit [7/30/93]
  - Reuter's Ltd, June 22, 1993. (3 listings)
- 36. Media reports reflecting statements of Dave Ryan regarding the filing of the EPA lawsuit [7/30/93]
  - United Press International, June 22, 1993.
  - New York Times, June 23, 1993.
  - Newsday, June 23, 1993.
  - Los Angeles Times, June 23, 1993.
- 37. Media reports reflecting statements of Lauren Mical regarding the filing of the EPA lawsuit [7/30/93]
  - St. Louis Post Dispatch, June 23, 1993.
  - The Associated Press, June 22, 1993.
  - Chicago Tribune, June 23, 1993.
  - Press Association Newsfile, June 22, 1993.
  - The MacNeil/Lehrer NewsHour, June 22, 1993.
  - Investor's Business Daily, June 22, 1993.
  - Agence France Presse, June 22, 1993.
  - The Associated Press, June 22, 1993.
  - USA Today, June 23, 1993.
  - Chicago Tribune, June 23, 1993.
  - The Associated Press, June 23, 1993.
- 38. Media report reflecting the statements of William Farland regarding the filing of the EPA lawsuit [7/30/93]
  - Cable News Network, Inc., June 24, 1993.

39. Media report quoting Morton Lippmann regarding the EPA risk assessment on ETS [7/30/93]
- The Washington Times, June 29, 1993.
40. Conference materials from "Indoor Air '93" in Helsinki, Finland, July 4-9, 1993 [7/30/93]
- Kevin Teichman, USEPA, spoke regarding "Indoor Air Quality: Exploring Policy Options to Reduce Human Exposure."
  - Several SAB members gave presentations on topics other than ETS. (Joan Daisey, Michael Lebowitz and Jan Stolwijk)
41. Prepared Testimony of Carol Browner, Administrator, U.S. Environmental Protection Agency, Before the Subcommittee on Health and the Environment, Committee on Energy and Commerce, U.S. House of Representatives, "Waxman Hearing", July 21, 1993 [7/23/93]
- "EPA is today recommending actions to prevent involuntary public exposure to indoor secondhand smoke."
  - "EPA is today releasing a new public information brochure, titled What You Can Do About Secondhand Smoke, which recommends actions to prevent involuntary exposure to ETS in indoor environments."
  - "EPA recommends that people not smoke in their home or permit others to do so."
  - "EPA plans to publish a guide later this year to assist private sector businesses that are interested in establishing workplace smoking policies."
42. U.S. Environmental Protection Agency, Environmental News, July 21, 1993. "EPA Recommends Actions to Protect Public from Passive Smoking." [7/23/93]
- Discusses Carol M. Browner's remarks before the House Subcommittee on Health and the Environment, July 21, 1993.
43. U.S. Environmental Protection Agency, Office of Air and Radiation, Secondhand Smoke: What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants, EPA 402-F-93-004, July 1993 [7/23/93]

44. Press reports regarding the release of the EPA Guide "Secondhand Smoke: What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants." [7/30/93]
- Wall Street Journal, July 22, 1993.
  - The New York Times, July 22, 1993.
  - Cable News Network, Inc, July 21, 1993
  - The Associated Press, July 21, 1993
  - PR Newswire Association, Inc., July 23, 1993
45. Statement of Morton Lippmann, Before the Committee on Energy and Commerce, Subcommittee on Health and the Environment, "The Waxman Hearing," July 21, 1993 [7/23/93]
46. Transcript from "The Waxman Hearing," July 21, 1993 [8/20/93]
47. Press Reports reflecting EPA statements regarding the "Waxman Hearing." [8/20/93]
- Carol Browner: "The EPA firmly believes that the scientific evidence is sufficient to warrant actions to protect nonsmokers from involuntary exposure to second-hand smoke."
  - American Political Network, July 22, 1993
  - Chicago Tribune, July 22, 1993
  - The Atlanta Constitution, July 22, 1993
  - Daily Report for Executives, July 22, 1993
  - BNA National Environment Daily, July 23, 1993
  - United Press International, July 21, 1993
  - The Associated Press, July 21, 1993
  - The Houston Chronicle, July 22, 1993
  - Baltimore Evening Sun, July 21, 1993
  - Miami Herald, July 23, 1993
  - St Louis Post-Dispatch, July 22, 1993

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- CBS News, July 22, 1993
  - Good Morning America, July 22, 1993
  - NBC News, July 22, 1993
48. "EPA Publishes Brochure on Avoiding Second-Hand Smoke," Show Transcript: All Things Considered, National Public Radio, July 21, 1993. [8/20/93]
- Carol Browner is quoted as saying that "EPA recommends that residents not smoke in their home or permit others to do so, particularly if infants, toddlers, and non-smokers are present. If a family member or a babysitter smokes indoors, we recommend increased ventilation in the area where smoking takes place by opening windows or using exhaust fans."
  - Browner is also quoted as saying, "We're obviously interested in working with the sub-committee, working with the Congress, in whatever they deem is appropriate in terms of- of government action. We believe that we have done what we have a responsibility to do, which is the assessment and then making that information available to the public in conjunction with actions that they can take."
49. Statement of William H. Farland, Director, Office of Health and Environmental Assessment, Office of Research and Development, Before the Specialty Crops and Natural Resources Subcommittee. Review of Environmental Protection Agency's Environmental Tobacco Smoke Study, "The Rose Hearing," July 21, 1993 [7/23/93]
50. Press Reports reflecting EPA statements regarding the "Rose Hearing." [7/23/93]
51. "How Secondhand Smoke Hurts Kids," Parents, August 1993 [7/30/93]
- William K. Reilly is quoted as stating that "Because of the time we spend indoors, ETS . . . presents one of the most important environmental health risks we face today."
  - James Repace is quoted as stating that "[ETS] is diffused throughout the average American house within ten minutes" in today's "energy efficient homes."